

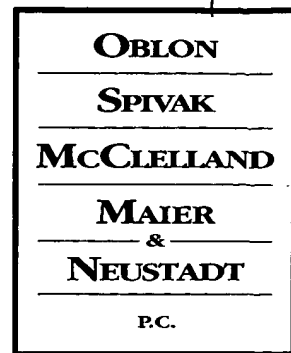


091 600180

Cofc

Docket No.: 194070US0PCT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313



ATTORNEYS AT LAW

RE: Inventor: Christian MEIER, et al.

Patent No.: 7,011,963

Issued: March 14, 2006

Group Art Unit: 1651

Examiner: David M. NAFF

For: PROCESS FOR SYNTHESIS OF BEAD-SHAPED
CROSS-LINKED HYDROPHILIC SUPPORT
POLYMER

Certificate

MAY 22 2006

of Correction

SIR:

Attached hereto for filing are the following papers:

SECOND REQUEST FOR CERTIFICATE OF CORRECTION
COPY OF LETTER FROM DECISION & CERTIFICATES OF CORRECTION BRANCH
COPY OF DATE-STAMPED FILING RECEIPT DATED DECEMBER 21, 2000
COPY OF DECISION ON REQUEST UNDER 37 CFR 1.497(d)
CERTIFICATE OF CORRECTION FORM PTO-1050

Credit card payment form in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Norman F. Oblon

Kirsten A. Grüneberg, Ph.D.

Registration No. 47,297

Raymond F. Cardillo, Jr.

Registration No. 40,440

Customer Number

22850

(703) 413-3000 (phone)

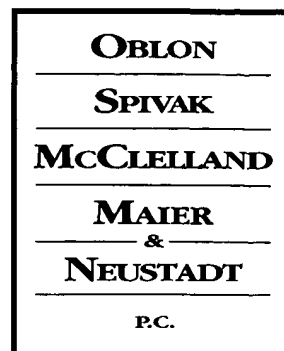
(703) 413-2220 (fax)

MAY 30 2006



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ALEXANDRIA, VIRGINIA 22313



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MAY 30 2006



DOCKET NO.: 194070US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :
Christian MEIER, et al.

PATENT NO. 7,011,963 : EXAMINER: David M. NAFF

ISSUED: March 14, 2006 : GROUP: 1651

FOR: PROCESS FOR SYNTHESIS OF BEAD-SHAPED CROSS-LINKED
HYDROPHILIC SUPPORT POLYMER

SECOND REQUEST FOR CERTIFICATE OF CORRECTION

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

The following is a second request for a certificate of correction in Serial Number 09//600,180, now Patent Number 7,011,963.

We respectfully request reconsideration of the decision denying our request, filed April 4, 2006, for a Certificate of Correction. We refer to the letter, dated April 19, 2006, of Cecelia Newman, Decisions & Certificates of Correction Branch.

We enclose herewith a copy of the date-stamped filing receipt evidencing the filing date of the above-identified application along with the copy of Decision on Request Under 37 CFR 1.497(d).

In accordance with the provisions of Rule 322 of the Rules of Practice, which implement 35 USC 254, the Patent Office is respectfully requested to issue a certificate of correction in the above-identified patent.

In light of the fact that the errors were the fault of the Patent Office, no fees are required. The requested corrections are listed on the new Certificate of Correction Form PTO-1050.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.
Norman F. Oblon

Customer Number
22850

Kirsten A. Grüneberg, Ph. D.
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Fax: (703) 413-2220

Raymond F. Cardillo, Jr.
Registration No. 40,440

MAY 30 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov



Date Mailed

: April 19, 2006

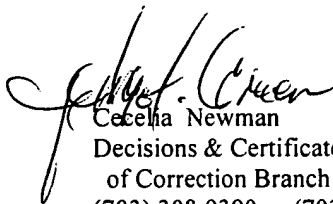
Patent No. :7,011,963
Inventor :Christian Meier, et al.
Patent Issued :March 14, 2006
Docket No. :194070USOPCT/smc

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322.

Inspection of the application for the patent reveals, however, that in connection with the alleged error pertaining to application PCT/EP99/00635 filing date, item (86) on the Title page, of which applicant has referred; the filing date as reflected on the Letters Patent has been determined as printed in accordance with the records of this office.

In view of the foregoing applicants request in this matter is hereby denied. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.


Cecelia Newman
Decisions & Certificates
of Correction Branch

(703) 308-9390 or (703) 308-9380 ext. 123

Kristen A. Gruneberg, Ph.D.
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

RECEIVED: 4/24/06
OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, P.C.

DOCKETING DEPT
Initials/Date Docketed: 4/24/06
Type of Resp(s):
Due Date(s):

CBN/arg

MAY 20 2006



Dept.: CHEMICAL

OSMM&N No. 194070US0-PCT

By: WEB/PAE

Serial No. 09/600,180

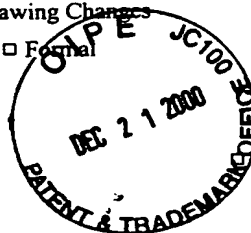
In the matter of the Application of: CHRISTIAN MEIER ET AL

For: APPARATUS FOR SYNTHESIS OF SUPPORT POLYMER MATERIALS
IN THE FORM OF POROUS POLYMER BEADS

The following has been received in the U.S. Patent Office on the date stamped hereon:

- ☐ pp. Specification & Claims/Drawings Sheets
- ☒ Combined Declaration, Petition & Power of Attorney pages
- ☐ List of Inventor Names and Addresses
- ☐ Utility Patent Application ☐ CPA
- ☐ Notice of Priority ☐ Priority Doc
- ☒ Check for \$1,060.00 ☒ Dep. Acct. Order Form
- ☐ Fee Transmittal Form
- ☒ Assignment/PTO 1595 pages: 3 PGS (FEE)
- ☒ CONSENT FOR ASSIGNEE TO CHANGE OF INVENTORSHIP
- ☐ Letter Requesting Approval of Drawing Changes
- ☐ Drawings sheets ☐ Formal
- ☐ Letter
- ☐ Amendment
- ☐ Information Disclosure Statement PTO-1449
- ☐ Cited References
- ☐ Search Report
- ☐ Statement of Relevancy ☐ Cited Pending Applications
- ☐ IDS/Related/List of Related Cases ☐ Election Response
- ☐ Restriction Response
- ☐ Rule 132 Declaration
- ☒ Petition for Extension of Time 3 MONTHS (FEE)
- ☐ Notice of Appeal
- ☐ Brief
- ☐ Issue Fee Transmittal
- ☒ NOTIFICATION OF MISSING REQUIREMENTS
- ☒ REQUEST FOR CHANGE OF INVENTORSHIP UNDER 37 CFR 1.48(a) (FEE)
- ☒ REQUEST FOR CHANGE OF INVENTORSHIP
- ☐

Due Date: DEC. 22, 2000



MAY 30 2006



DEC 11 2001

Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
Fourth Floor
1755 Jefferson Davis Highway
Arlington, VA 22202

RECEIVED

DEC 17 2001

OBLON, SPIVAK, MCCLELLAND
MAIER & NEUSTADT, P.C.

In re Application of MEIER et al
U.S. Application No.: 09/600,180
Int. Application No.: PCT/EP99/00635
Int. Filing Date: 01 February 1999
Priority Date: 05 February 1998
Attorney Docket No.: 194070US0 PCT
For: DEVICE FOR PRODUCING POLYMER
SUPPORT MATERIALS IN THE FORM OF
POROUS POLYMER BEADS

DECISION ON REQUEST

UNDER 37 CFR 1.497(d)

This is in response to applicant's "Request for Reconsideration of Decision on Request Under 37 CFR 1.497(d)" filed 27 November 2001.

BACKGROUND

On 01 February 1999, applicants filed international application PCT/EP99/00635, which claimed priority of an earlier Germany application filed 05 February 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 12 August 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 28 August 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 05 August 2000.

On 04 August 2000, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 22 August 2000, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 21 December 2000, applicants filed a request under 37 CFR 1.497(d) accompanied by an executed declaration and an assignment document. The declaration is executed by the inventors identified in the international application as well as one additional inventor, i.e. Thomas Boller.

MAY 30 2006

On 05 March 2001, this Office mailed a decision dismissing the 21 December 2000 request on grounds that written consent of the assignee had not been provided.

On 30 March 2001, applicants filed a renewed request.

On 03 August 2001, this Office mailed a decision dismissing the 30 March 2001 renewed request on grounds that written consent of the assignee had not been established.

On 27 November 2001, applicants filed the present renewed request. A fee of \$400.00 for a two month extension of time will be charged to Deposit Account No. 15-0030 as authorized in the renewed request.

DISCUSSION

37 CFR 1.497(d) (effective 07 November 2000) states,

If the oath or declaration filed pursuant to 35 U.S.C. 371(c)(4) and this section names an inventive entity different from the inventive entity set forth in the international application, the oath or declaration must be accompanied by: (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part; (2) the processing fee set forth in § 1.17(i); and (3) if an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Applicants have previously satisfied items (1) and (2) above.

With regard to item (3) above, ownership of the application must be established when an assignee consents to a correction of inventorship. MPEP 324. Applicants have previously established a chain of title from the inventors to the assignee.

37 CFR 3.73(b) further provides that a submission establishing ownership must be signed by a party authorized to act on behalf of the assignee. MPEP 324 states,

The submission under 37 CFR 3.73(b) may be signed on behalf of the assignee in the following manner if the assignee is an organization (e.g., corporation, partnership, university, government agency, etc.):

(A) The submission may be signed by a person in the organization having apparent authority to sign on behalf of the organization. An officer (president, vice-president, secretary, or treasurer) is presumed to have authority to sign on behalf of the organization. The signature of the chairman of the board of directors is acceptable, but not the signature of an individual director. Modifications of these basic titles are acceptable, such as vice-president for sales, executive vice-president, assistant treasurer, vice-chairman of the board of directors. A person

MAY 30 2005

having a title (manager, director, administrator, general counsel) that does not clearly set forth that person as an officer of the assignee is not presumed to have authority to sign the submission on behalf of the assignee. A power of attorney from the inventors in an organization to a practitioner to prosecute a patent application does not make the practitioner an official of an assignee or empower the practitioner to sign the submission on behalf of the assignee.

(B) The submission may be signed by any person, if the submission sets forth that the person signing is empowered to sign the submission on behalf of the assignee.

(C) The submission may be signed by a person empowered by an organizational resolution (e.g., corporate resolution, partnership resolution) to sign the submission on behalf of the assignee, if a copy of the resolution is, or was previously, submitted in the record.

Where a submission does not comply with (A), (B), or (C) above, evidence of the person's authority to sign will be required.

In the present case, item (B) applies. The "Consent for Assignee to Change of Inventorship" filed with the present renewed request states that the persons signing are empowered to sign the submission on behalf of the assignee.


Therefore, having established ownership of the application, the assignee has provided written consent to the change of inventorship.

CONCLUSION

For the reasons above, the renewed request under 37 CFR 1.497(d) is GRANTED.

The application has an International Filing Date of 01 February 1999 and a date under 35 U.S.C. 371 of 21 December 2000.

The application will be forwarded to the DO/EO/US for processing in accordance with this decision.


Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

MAY 20 2006

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,011,963
DATED: March 14, 2006
INVENTOR(S): Meier, et al.

It is certified that an error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the title page, Item 86, the Filing Date is incorrect. Item 86 should read:

-- (86) PCT No: **PCT/EP99/00635**

§ 371 ©(1),
(2), (4) Date: **Dec. 21, 2000**

Mailing address of sender:

Customer Number
22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 03/06)

Patent No. 7,011,963

No. of add=1 copies
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MAY 30 2006